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Counsel for Defendant  
ECOLAB INC.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**CIVIL ACTION NO. 07-8623 (DLC)**

MICHAEL CLARK, DAVID STARKMAN,  
FRANCO DESIMONE, and JOHN DINISI,  
individually and on behalf of all other similarly  
situated employees,

Plaintiffs,

v.

ECOLAB, INC.,

Defendant.

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**DECLARATION OF ANDREW J. VOSS IN SUPPORT OF DEFENDANT'S MOTION  
TO TRANSFER VENUE AND CONSOLIDATE CERTAIN PLAINTIFFS  
WITH FIRST-FILED ACTION**

I, ANDREW J. VOSS, declare the following:

1. I am an attorney with the law firm of Littler Mendelson, P.C., counsel for Defendant Ecolab Inc. in the above-entitled action. I make this declaration based on my own personal knowledge.

2. Attached hereto for the Court's convenience as Exhibits A and B, respectively, are the Declarations of Stephanie Johnson and Nancy Hayes.

3. Attached hereto as Exhibit C is a true and correct copy of a letter from Plaintiffs' counsel to Defendant's counsel in *Masson, et al. v. Ecolab, Inc.*, 04-cv-4488 ("Masson"),

currently pending in this judicial district, requesting permission for an additional opt-in to be allowed into the *Masson* case after the initial deadline for filing consent forms had expired. Attached hereto as Exhibit D is a true and correct copy of the parties' stipulation in that action permitting, at Plaintiffs' counsel's request, that the additional opt-in plaintiff to be allowed into the *Masson* case.

4. Attached hereto as Exhibit E is a true and correct copy of a Mapquest.com inquiry my office made for directions from Greensboro, North Carolina to New York, New York, which my office printed. Mapquest.com calculated the distance to be 544 miles, approximately 9 hours of driving time each way.

5. Attached hereto as Exhibit F is a true and correct copy of a Mapquest.com inquiry my office made for directions from Concord, California to New York, New York, which my office printed. Mapquest.com calculated the distance to be 2,890 miles.

6. Attached hereto as Exhibit G is a true and correct copy of a Mapquest.com inquiry my office made for directions from Concord, California to Greensboro, North Carolina, which my office printed. Mapquest.com calculated the distance to be 2,760 miles.

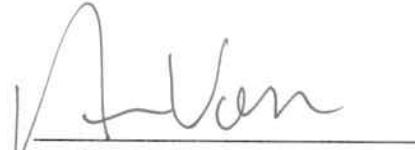
7. Attached hereto as Exhibit H is a true and correct copy of a Mapquest.com inquiry my office made for directions from Coeur D'Alene, Idaho to New York, New York, which my office printed. Mapquest.com calculated the distance to be 2,545 miles.

8. Attached hereto as Exhibit I is a true and correct copy of a Mapquest.com inquiry my office made for directions from Coeur D'Alene, Idaho to Greensboro, North Carolina, which my office printed. Mapquest.com calculated the distance to be 2,545 miles.

9. Attached hereto as Exhibit J is a true and correct copy of a page from the United States District Courts website indicating the caseload for the Southern District of New York, which my office printed.

10. Attached hereto as Exhibit K is a true and correct copy of a page from the United States District Courts website indicating the caseload for the Middle District of North Carolina, which my office printed.

I declare under penalty of perjury that the foregoing is true and correct.



\_\_\_\_\_  
Andrew J. Voss  
Dated: December 26, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of December 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the CM/ECF participants identified below.

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/s/ David M. Wirtz

David M. Wirtz